

In The United States District Court of Delaware

Michael A. Benson

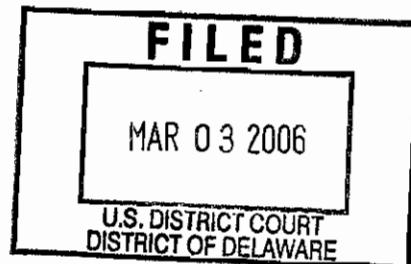
C.N. 1:06-cv-84
(SLR)

Appellant,

v.

United States District Court
of Delaware

Appellee



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Motion for Appointment of Counsel

Come now Michael A. Benson, Appellant, moves this Honorable Court for order appointing Counsel in reference to pending appeal. In furtherance of his motion, the Appellant represented as follow:

1. In support of his motion, Appellant states the following reasons; No physical access to law library, nor will anyone from law library provide assistance in preparing briefs. No ability to investigate the facts presented in this case, and the complexity of the issues presented.

2. Appellant is housed in Security Housing Unit (SHU) we're locked in cells 165 hours permitted out of cell, three (3) hours per week.

3. In order to receive assistance from law library, must know specific case desired.

4. It is solely within the Court's discretion to appoint counsel for Appellant; there are special circumstances indicating a likelihood of substantial prejudice to Appellant resulting.... from his inability without such assistance to present the facts and legal issues to the court in a complex, arguably meritorious case. The aforementioned facts clearly shows in this case.

5. A review of Appellant's motion for appointment of counsel reveal the request is not premature. It is well established that before any request for appointment of counsel be granted, a threshold evaluation of the merits of appellant, claims must be conducted.

6. Appellant, at this point has raised supported allegations against the Appellees

7. In the instant case there are exceptional circumstances regarding counsel. There are special circumstances indicating

the likelihood of substantial prejudice.... resulting.... from
(A) probable inability without such assistance to present the
facts and legal issues to the court in a complete and merit-
orious case.

Wherefore, the Appellant respectfully request that this
Honorable Court grant the Appellants Motion for Appointment
of Counsel.

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Dated : March 2, 2006

Michael A. Benson



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